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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,328

03/18/2004

Nobuyuki Takamori

61,032 (70904)

7032

21874

7590

12/16/2008

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EXAMINER

HESS, BRUCE H

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/804,328	Applicant(s) TAKAMORI ET AL.	
	Examiner Bruce H. Hess	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/18/08 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,8,10-16,18,19,21,22,24,25,29,30 and 33-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37 is/are allowed.
- 6) ☒ Claim(s) 1-5,7,8,10-16,18,19,21,22,24,25,29,33-36 and 38-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/30/08/</u> | 6) <input type="checkbox"/> Other: _____ |

1. Claims 51 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by the patent to Nakamura (JP 08-096412) for the reasons of record. It is noted that these claims fail to recite the newly added heat insulating layer.

2. Claims 1-5, 7, 8, 10-16, 18, 19, 21, 22, 24, 25, 29, 30, 33-36 and 38-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Nakamura in view of the patent to Ariyoshi et al. (USP 6,524,766; see column 2, lines 50-52).

Nakamura teaches an optical information recording medium which comprises a temperature responsive layer 11 whose transmittance changes with a change in temperature caused by the irradiation of a light beam (see paragraph [0011]) and a layer of GeSbTe (see paragraph ([0020]). Ariyoshi et al. teach the advantages of employing a heat insulating layer next to the substrates of optical information recording media in order to prevent heat damage to the substrates. Use of the Ariyoshi et al. heat insulating layer for its concomitant function in the Nakamura optical information recording medium would have been obvious to one of ordinary skill in this art in the absence of unexpected results. Since the optical information recording medium of Nakamura as modified by Ariyoshi et al. employs the same materials as those claimed by applicants, it is inherent that that the modified Nakamura optical information recording medium functions in the manner claimed by applicants.

3. Claims 1-5, 10-16, 18, 21, 22, 24, 25, 29, 30, 33-36 and 38-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent to Cheong in view of the patent to Ariyoshi et al. (USP 6,524,766; see column 2, lines 50-52).

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Cheong teaches an optical information recording medium which can comprise a layer of thermosensitive material (see paragraph 5, lines 14-28) or ZnO (see column 6, line 9) and a light absorption layer. Ariyoshi et al. teach the advantages of employing a heat insulating layer next to the substrates of optical information recording media in order to prevent heat damage to the substrates. Use of the Ariyoshi et al. heat insulating layer for its concomitant function in the Cheong optical information recording medium would have been obvious to one of ordinary skill in this art in the absence of unexpected results. Since the optical information recording medium of Cheong as modified by Ariyoshi et al. employs the same materials as those claimed by applicants, it is inherent that that the modified Cheong optical information recording medium functions in the manner claimed by applicants.

4. Claim 37 is allowed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce H. Hess whose telephone number is (571)-272-1525. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571)-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bruce H Hess
Primary Examiner
Art Unit 1774

/Bruce H Hess/
Primary Examiner, Art Unit 1794